

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN MAURICE BIRDINE,)	
)	8:04cv202
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	and
)	AMENDMENT TO
DOUGLAS COUNTY CORRECTIONS,)	PROGRESSION ORDER
)	
Defendant.)	

This matter is before the court on the following pending motions: (1) filing no. 59, the Motion for Docket Printout and to Compel Discovery, filed by the plaintiff, Kevin Maurice Birdine; (2) filing no. 60, the plaintiff's Motion to Compel Discovery; and (3) filing no. 75, the plaintiff's Motion for Continuance. The motions are granted, as follows. The Clerk of Court will send the plaintiff a docket sheet. As for the motions to compel, it appears that the defendant has provided the requested material except for "a copy of the Incident Report of the assault of Berry Swindle by Sterling McKoy and Rashod McKay written by c/o Brooks #504." The defendant shall provide that document to the plaintiff by July 29, 2005 and shall file a certificate of service with the court.

In filing no. 75, the plaintiff requests an extension of the dispositive motions deadline in the court's progression order, as previously amended. The defendant has received two such extensions, and this is the plaintiff's only request. Accordingly, the deadlines established in filing nos. 21, 52 and 58 are further extended as follows:

Deadline for Motions for Summary Judgment: **August 30, 2005.**

Pretrial Conference: Because the plaintiff is presently incarcerated, the issues concerning the pretrial conference shall be handled in writing rather than by an in-person conference. Derek R. Vaughn will have the primary responsibility for drafting the Order on Final Pretrial Conference. The order should be drafted and submitted to the plaintiff and to any other defendants by no later than **December 16, 2005**. The other parties are instructed to provide additions and/or proposed deletions to Derek R. Vaughn on or before **December 30, 2005**. Derek R. Vaughn shall submit a proposed Order on Final Pretrial Conference to the court on or before **January 14, 2006**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document.

THEREFORE IT IS ORDERED:

1. That filing nos. 59, 60 and 75 are granted;

2. That the Clerk of Court shall send a docket sheet to the plaintiff;
3. That the defendant shall provide the plaintiff with "a copy of the Incident Report of the assault of Berry Swindle by Sterling McKoy and Rashod McKay written by c/o Brooks #504" by July 29, 2005 and shall file a certificate of service with the court; and
4. That the schedule for progression of this case, as amended (filing nos. 21, 52 and 58), is further amended as set forth in this Memorandum and Order.

DATED this 18th day of July, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge